IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26891 of 2007(B)

AGAINST THE ORDER IN IA 2631/2007 IN
OPMV.563/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

.....

PETITIONER:

M.UBESH, S/O. RADHAKRISHNAN,
AGED 28 YEARS, PADIKKAPURATH HOUSE, PUTTEKKODE,
FEROKE COLLEGE P.O., CALICUT.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS:
----

1. **P.ABDULLA, S/O. KAMMU, KANIYATH HOUSE,**
   CHATHAMANGALAM,PAZHUR PO, MAVOOR VIA, KOZHIKODE
   DISTRICT.

2. **YOUSAFALI, S/O. ABDULLA,**
   KADAMPARAMMAL HOUSE,
   NAYARKUZHI, PAZHOOR AMSOM,MAVOOR,CALICUT.

3. **THE NEW INDIA ASSURANCE COMPANY LIMITED,**
   TRIPURI BUILDING, EAST NADAKKAVU, CALICUT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

==========

W.P.(C) No.26891 OF 2007

==========

Dated this the 10th day of September 2007

JUDGMENT

This writ petition is filed for a direction to the Prl. Motor Accidents Claims Tribunal, Kozhikode to consider and dispose of Ext.P1 petition before passing the award in O.P.(MV)No.563 of 2002. It is submitted by the learned counsel for the petitioner that I.A.No.2631 of 2007 had been filed to call for the case sheets in I.P.No.20167 and I.P.No.46890 from the Medical College Hospital, Kozhikode in connection with the treatment of the petitioner in that hospital. The court below without disposing of the said application, had closed the evidence and posted the matter for orders on 12.9.2007. Learned counsel for the petitioner submits that if those documents are produced before court, it will prove the treatment and injuries sustained by him and it will be a substantial piece of evidence in the case. It is also submitted that the medical disability certificate ipso facto will only prove the nature of the injury, fracture, etc and therefore the case sheets and the relevant documents are necessary for proper disposal of the case. It is also seen that such an application is filed on 16.5.2007 and is

pending disposal even now.

Therefore, I allow the writ petition and direct the Prl.Motor Accidents Claims Tribunal, Kozhikode to consider and dispose of Ext.P1 application in accordance with law. If it is found that those documents are really necessary for proper disposal of the case, the court shall not reject the same. The Tribunal is also directed not to pronounce the award in the case till the disposal of Ext.P1 application.

M.N.KRISHNAN, JUDGE

Cdp/-